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16 GREGORY CALVIN SMITH

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

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GREGORY CALVIN SMITH, Petitioner, v. ROBERT AYERS, Warden, San Quentin State Prison, Respondent.	NO. 3:04-cv-03436-CRB <u>DEATH PENALTY CASE</u> PROPOSED ORDER GRANTING EQUITABLE TOLLING OF FILING DATE FOR PETITION FOR WRIT OF HABEAS CORPUS
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This court hereby orders that Petitioner GREGORY SMITH be granted a period of equitable tolling of the limitations period contained in 28 U.S.C. § 2244(d)(1), for 1565 days, to and including November 23, 2009, by which time petitioner shall file his petition for writ of habeas corpus in this Court.

Dated: December 16, 2008


CHARLES R. BREYER
United States District Court Judge